

FILED

OCT 30 2023

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

SAN ANTONIO DIVISION

YURI COUTO,
an individual,

-against-

USAA Federal Savings Bank,
a Delaware corporation.

SA 23CA 1389 XR

____ CV ____
(Include case number if one has been
assigned)

**CIVIL
COMPLAINT**

Do you want a jury trial?

★ No

I. BASIS FOR JURISDICTION

Under 28 U.S.C. § 1332, a diversity case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000.

★ Diversity of Citizenship

1. Citizenship of the parties

The plaintiff, YURI COUTO, is a citizen of

(Plaintiff's name)

Florida state

(State in which the person resides and intends to remain.)

The defendant, USAA Federal Savings Bank, is incorporated under the laws of

The State of Delaware, and has its principal place of business in the State of Texas, city of San Antonio.

II. PARTIES

A. Plaintiff Information

YURI J COUTO

First Name

Middle Initial

Last Name

9302 N 28TH ST

Street Address

Hillsborough, Tampa

Florida

33612

County, City

State

Zip Code

813-846-2395

yuric96@yahoo.ca

Telephone Number

Email Address (if available)

B. Defendant Information

Defendant 1:

Name: USAA Federal Savings Bank

Address for Service of Process:

c/o Jeff Wallace, CFO

9800 Fredericksburg Road

San Antonio, Texas 78288

III. STATEMENT OF CLAIM

Place(s) of occurrence: 10750 McDermott Freeway, San Antonio, TX 78288

Date(s) of occurrence: 9/22/2023

FACTS:

1. This federal civil Complaint is submitted for a claim of **Breach of Contract** against the Defendant.
2. The Defendant (the “Bank,” or “USAA”) has received electronic delivery of an application, #56171242 (the “Application”) on September 22nd, 2023, from the Plaintiff (the “Account Holder,” or “Principal”) for a consumer credit transaction. The Application was for an amount of \$500,000 (five hundred thousand dollars, the “Principal Amount”) plus finance charges, for 84 months. The Principal Amount plus the total finance charge shall be deemed the “Full Amount” of the value of the Application. However, no interest rate has yet been specified for the Application, nor approved by the Principal.
3. On 9/22/23, USAA issued a “Notice of Decision Made On Your Consumer Loan Application” (the “Denial Notice”, Exhibit P-1), wherein the Bank notified the Principal of a denial of credit for the Application.
4. The Bank has received pre-payment of the requested loan in full via the submission of the Application (a negotiable instrument), yet has refused to provide the loan funds to Principal while retaining the Principal’s security

collateral (the Application). The Bank has not provided a valuable equivalent consideration to the Principal as detailed on the Application, or otherwise.

5. Plaintiff has sent three notices informing the Bank that the Plaintiff is claiming all equity and interest due to the Principal, and requesting Bank's performance within five business days pursuant to the Application (Exhibits P-2, P-3, P-4).

These notices were delivered to USAA headquarters in care of the CFO by USPS registered mail on dates 9/25/23, 10/2/23, and 10/10/23 (tracking respectively: RF737987317US, RF738010430US, RF738010465US). Tracking documentation is included in Exhibits P-5, P-6, P-7.

6. The Bank's behavior in this matter is indicative of unjust enrichment and breach of contract. The Bank has outright refused to perform despite the Principal's multiple notices.
7. This caused me great distress mentally, emotionally, and physically by not having access to my Principal's estate, which I am to be responsibly managing and in full control of at all times.

IV. RELIEF

1. Plaintiff seeks relief from the court for the monetary value of the instrument delivered by Plaintiff to USAA. Specifically, a court injunction is sought requiring Defendant to credit the loan funds of the Full Amount of the Application instrument to the Principal's USAA Checkings account number XXXXXX9422 ("Principal's Checkings Account"). As the Application note may be completed for any rate of

interest authorized by the Principal, Plaintiff hereby explicitly authorizes only the interest rate of 573,000% (five hundred seventy-three thousand percent) paid as an interest only loan, that results in the Full Amount to be \$20 Billion (twenty billion and 00/100) dollars.

2. Alternatively, If Defendant opts to not augment the Application instrument with the foregoing stated interest rate, then Plaintiff seeks relief of a court injunction requiring the Principal Amount of \$500,000 (five hundred thousand dollars) to be tendered to Plaintiff's Checkings Account.
3. Lastly, in addition to the foregoing, Plaintiff seeks court injunction requiring the Bank to perform as instructed by Plaintiff with regards to applying the Principal's balance (the amount owed to the Principal) to the Principal's loan account for set-off.
4. Thank you for the sincere consideration called upon all Parties in this matter.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery;

and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

October 26th, 2023

Yuri-Lacinto Couto, Agent

Dated

Plaintiff's Signature

YURI

J

COUTO

First Name

Middle Initial

Last Name

9302 N 28th St

Street Address

Hillsborough, Tampa

Florida

33612

County, City

State

Zip Code

813-846-2395

yuric96@yahoo.ca

Telephone Number

Email Address (if available)



USAA Federal Savings Bank
10750 McDermott Freeway
San Antonio, Texas 78288-0544

DECISION MADE ON YOUR CONSUMER LOAN APPLICATION

YURI J COUTO
9302 N 28TH ST
TAMPA, FL 33612

September 22, 2023

Dear Yuri J Couto,

We value your business and appreciate you choosing USAA for your banking needs. We reviewed your application and, after careful evaluation, we're sorry to inform you that we're unable to approve your USAA consumer loan request.

We've attached the "Notice of Our Decision" document with information about the specific reasons for our decision. Also, please note that if this was a joint application, the reasons in the notice may only apply to the applicant with the least favorable credit profile.

Helpful Credit Resources

While we're unable to approve your application at this time, we've provided the following resources that may help position you for approval in the future, depending on your circumstances.

- **USAA Advice Center** — USAA's advice center provides guidance on managing debt, which may impact your credit. Visit usaa.com/debt to learn more.
- **Request a free copy of your credit report** — Federal law requires all three of the nationwide consumer credit reporting companies to provide a free credit report every 12 months. You can request copies of your free annual credit reports from annualcreditreport.com or by calling 877-322-8228.

USAA is committed to providing excellent service and delivering on our mission to facilitate your financial security. Thank you for allowing us to serve you.

Sincerely,

Mark M. Pregmon

Mark M. Pregmon
General Manager, Consumer Lending Product & Experience Management
USAA Federal Savings Bank

Attachment: Notice of Our Decision



Online: usaa.com



Phone: 210-531-USAA (8722) 800-531-8722 (TTY: 711/TRS)



Mobile: #8722



USAA Federal Savings Bank
10750 McDermott Freeway
San Antonio, Texas 78288-0544

NOTICE OF OUR DECISION

Loan type:	CONSUMER LOAN
Amount requested:	\$500,000.00
Purpose of loan:	Purchase a Car

Our review included internal and/or consumer reporting agency history and our decision to decline your request was based on the following reason(s):

Excessive obligations in relation to income
Insufficient or lack of income
Serious delinquency

Your Credit Report

In making our decision, we relied on information from the following consumer reporting agency:

Experian
P.O. Box 2002
Allen, TX 75013
888-397-3742
www.experian.com/reportaccess

You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. While the consumer reporting agency above furnished information, they played no part in the actual decision-making process and cannot supply the specific reasons for our decision. You also have a right to a free copy of your report from the consumer reporting agency if you request it no later than 60 days after you receive this letter. In addition, if you find any information in the report you receive is incorrect or incomplete, you have the right to dispute the matter with the consumer reporting agency.

Your Credit Score and What You Should Know About It

We also obtained your credit score from the consumer reporting agency and used it in making our credit decision. Your credit score is a number that reflects the information in your credit report. Your credit score can change, depending on how the information in your credit report changes.

Credit score provided by:	Experian
Date obtained:	09/22/2023
Your credit score:	500

Scores range from a low of 300 to a high of 850.

Key factors that adversely affected your credit score:

Serious delinquency
Proportion of balances to credit limits on bank/national revolving or other revolving accounts is too high
Time since delinquency is too recent or unknown
Amount owed on revolving accounts is too high
Too many inquiries in last 12 months

NOTICE: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is the Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20006.

EXHIBIT P-2

NON-NEGOTIABLE

Notice to Agent is Notice to Principal – Notice to Principal is Notice to Agent

Yuri-Jacinto Couto Authorized Representative for
YURI J COUTO and all derivatives thereof

Without Prejudice

NON-DOMESTIC, Without the United States

c/o RFD 9302 N 28th St
Tampa, Florida Republic

22 September 2023

USAA Federal Savings Bank
Attn: Jeff Wallace, Chief Financial Officer
10750 McDermott Freeway
San Antonio, TX 78288

Reference Auto Loan Application: 56171242

LETTER FOR CREDIT CLAIM

To whom it may concern,

I, Couto, Yuri-Jacinto \ Agent, here on behalf of YURI COUTO \ Principal, hereby accept all titles, rights, interest, and equity owed to the YURI COUTO \ Principal. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to apply the principal's balance to the principal's account each and every billing cycle. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to respond in writing if these instructions cannot be completed. You have five business days. If I do not receive anything in five business days, I can assume these instructions have been successfully performed.

By: Couto, Yuri-Jacinto \ Agent

For: YURI COUTO \ Principal

without recourse, all rights reserved.

Reference Auto Loan Application: 56171242

Document Number: YJC1242-L1

USPS Return Receipt: 9590 9402 8398 3156 1988 70

Page | 1 of 1

EXHIBIT P-3

NON-NEGOTIABLE

Notice to Agent is Notice to Principal – Notice to Principal is Notice to Agent

Yuri-Jacintho: Couto Authorized Representative for
YURI J COUTO and all derivatives thereof

Without Prejudice

NON-DOMESTIC, Without the United States

c/o RFD 9302 N 28th St
Tampa, Florida Republic

29 September 2023

USAA Federal Savings Bank
Attn: Jeff Wallace, Chief Financial Officer
10750 McDermott Freeway
San Antonio, TX 78288

Reference Auto Loan Application: 56171242

OPPORTUNITY TO CURE

To whom it may concern,

I, Couto, Yuri-Jacintho \ Agent, here on behalf of YURI COUTO \ Principal, hereby accept all titles, rights, interest, and equity owed to the YURI COUTO \ Principal. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to apply the principal's balance to the principal's account each and every billing cycle. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to respond in writing if these instructions cannot be completed. You have five business days. If I do not receive anything in five business days, I can assume these instructions have been successfully performed.

By: Couto, Yuri-Jacintho \ Agent

For: YURI COUTO \ Principal

without recourse, all rights reserved.

Reference Auto Loan Application: 56171242

Document Number: YJC1242-L2

USPS Return Receipt: 9590 9402 8417 3156 7993 61

Page | 1 of 1

EXHIBIT P-4

NON-NEGOTIABLE

Notice to Agent is Notice to Principal – Notice to Principal is Notice to Agent

Yuri-Jacintho: Couto Authorized Representative for
YURI J COUTO and all derivatives thereof

Without Prejudice
NON-DOMESTIC, Without the United States
c/o RFD 9302 N 28th St
Tampa, Florida Republic

6 October 2023

USAA Federal Savings Bank
Attn: Jeff Wallace, Chief Financial Officer
10750 McDermott Freeway
San Antonio, TX 78288

Reference Auto Loan Application: 56171242

NOTICE OF DEFAULT

To whom it may concern,

I, Couto, Yuri-Jacintho \ Agent, here on behalf of YURI COUTO \ Principal, hereby accept all titles, rights, interest, and equity owed to the YURI COUTO \ Principal. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to apply the principal's balance to the principal's account each and every billing cycle. I hereby instruct CFO Jeff Wallace or indenture trustee for "USAA Federal Savings Bank" to respond in writing if these instructions cannot be completed. You have five business days. If I do not receive anything in five business days, I can assume these instructions have been successfully performed.

By: Couto, Yuri-Jacintho \ Agent

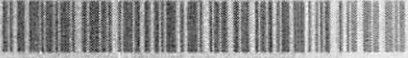
For: YURI COUTO \ Principal

without recourse, all rights reserved.

Document Number: YJC1242-L3

USPS Return Receipt: 9590 9402 8510 3186 7399 37

Page | 1 of 1

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature</p> <p>X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>USAA Federal Savings Bank Attn: Jeff Wallace, CFO 10750 McDermott Freeway San Antonio, TX 78288</p>  <p>9590 9402 8398 3156 1988 70</p>	<p>B. Received by (Printed Name) DATAMARK</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>SEP 2 2023</p> <p>ANDRES GARCIA</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

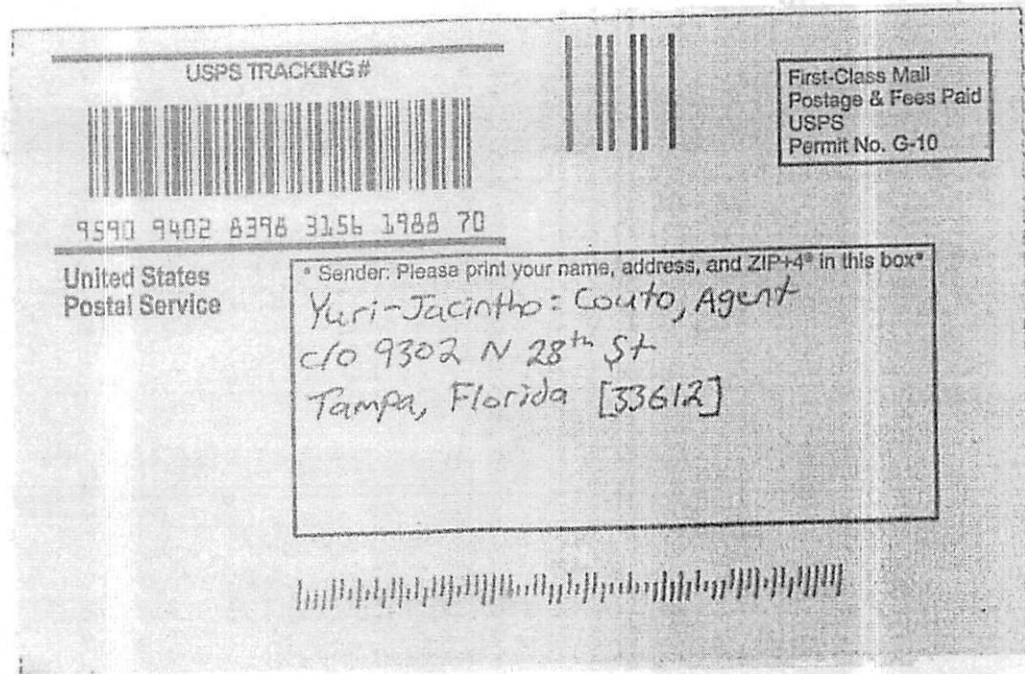



EXHIBIT P-6

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>USAA FEDERAL SAVINGS BANK Attn: Jeff Wallace, CFO 10750 McDermott Freeway San Antonio, TX 78288</p>  <p>9590 9402 8417 3156 7993 61</p> <p>2. Article Number (Transfer from service label)</p> <p>RF 738 010 430 US</p>		<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from origin? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>OCT - 2 2023</p> <p>ANDRES GARCIA</p>	
<p>3. Service type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8417 3156 7993 61

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Yuri-Jacinto: Couto, Agent
c/o 9302 N 28th St
Tampa, Florida [33612]

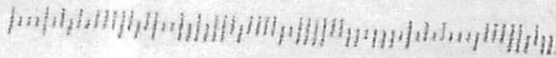


EXHIBIT P-7

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

USAA Federal Savings Bank
 Attn: Jeff Wallace, CFO
 10750 McDermott Freeway
 San Antonio, TX 78288



9590 9402 8510 3186 7399 37

RF 738 010 465 US

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

DATAMARK

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

OCT 10 2023

ANDRES GARCIA

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

